

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

TEXAS INSTRUMENTS, INC., et
al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

**ORDER GRANTING MOTION TO DISMISS BLUE SPIKE’S THIRD
AND THIRTEENTH AFFIRMATIVE DEFENSES AGAINST
AUDIBLE MAGIC CORP. WITHOUT PREJUDICE**

On this day came to be considered Blue Spike, LLC, Blue Spike, Inc, Scott Moskowitz (collectively “Blue Spike”), and Audible Magic Corp.’s joint motion to dismiss Blue Spike’s Third (Invalidity) and Thirteenth (Unenforceability for Inequitable Conduct) Affirmative Defenses against Audible Magic Corp. The Court is of the opinion that said motion should be GRANTED.

IT IS SO ORDERED.